

REMARKS

Reconsideration of this application as amended is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher et al., U.S. Patent No. 5,835,896, ("Fisher") in view of Campbell, U.S. Patent Application No. 2001/0041993, ("Campbell"). Applicants do not admit that Fisher and Campbell are prior art and reserve the right to swear behind the references at a later date. Nonetheless, Applicants believe that the present invention is distinguishable over the combination of references because the combination does not disclose each and every element of the invention as claimed.

Claim 1 includes a method for a network-based facility, the method comprising:
facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction;
associating an identifier to the complaint;
facilitating a resolution of the complaint associated with the identifier; and
facilitating a claim for insurance if the complaint is not resolved.

The Office Action contends that the following disclosure in Fisher teaches the "facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction" limitation of claim 1:

Some changes in bidding requirements have made traditional auctions somewhat more convenient for bidders. Many auction firms allow bidders to submit their bids in advance of the auction. Advance bidding may be done by mail as a convenience to the bidders so that they do not have to be physically present at the auction. Also, the advent of the telephone and facsimile machine allowed bidders to submit bids in near real-time during the course of an auction. These technologies free the bidder from being physically present at the auction, thereby saving time and travel expense. To incorporate these technologies into the traditional auction format, representatives of the auction firm receive telephone or facsimile bids from their clients and alert the auctioneer of these new bids. Similarly, the representatives may relay information about the current bid items, such as the current high bid, back to the telephone bidders.

Bidding by mail or facsimile suffers a significant disadvantage as compared to bidding in person or by telephone because the mailing or faxing bidder has no opportunity to increase a bid in quick response to competitive bids received from the floor or by telephone. Moreover, although telephone bidding allows the bidder to avoid travel expense and inconvenience, traditional auctions may be scheduled at inconvenient times for many remote bidders. Also, because of the large number of items or lots sold in a typical auction, which can number in the eight hour period in order to be present when the few lots in which the bidder has an interest come up for sale.

(Fisher Col. 1, lines 40-67)

The Applicants respectfully disagree that this cited passage teaches or suggests, “facilitating a resolution of the complaint associated with the identifier,” as claimed. Rather, Fisher discloses a system and method for conducting a multi-person, interactive auction (see Abstract). The cited passages of the Office Action for this limitation disclose bidding requirements for a bidder to submit a bid for an item at an auction (see column 1, lines 40-68). Submitting a bid at an auction is not the same as “facilitating *a submission of a complaint* to the network-based facility, the complaint relating to a network-based transaction,” as claimed.

Furthermore, the Office Action contends that the following disclosure in Fisher teaches the “facilitating a resolution of the complaint associated with the identifier” limitation of claim 1:

FIG. 4 illustrates a high level block diagram of the electronic auction system of the present invention. As shown, information from bid form 20 is received by the electronic auction system where it is processed by bid validator 21. Bid validator 21 examines the bid information entered by the customer on bid form 20 to ensure that the bid is properly formatted, all necessary data is present, and the data values entered look credible. Exemplary functions of bid validator 21 include verifying credit card information entered by the customer, checking that a complete name and shipping address has been entered, that the proper state abbreviation and zip code have been entered, that an appropriate bid amount has been entered, and that a telephone or facsimile number has been entered. Once the bid information has been validated, the bid validator 21 places the bid in bid database 31.

(Fisher Col. 7, lines 50-65)

Applicants disagree that this cited passage teaches or suggests, “facilitating a resolution of the complaint associated with the identifier,” as claimed. Again, Fisher teaches a system and

method for conducting a multi-person, interactive auction (see Abstract). These cited passages of Fisher do not teach or suggest performing any actions based on *a complaint*. Rather, Fisher, in the cited passage, discloses functions to perform to ensure that a bid for an item is valid, such as by validating the credit card information entered by the bidder, checking that a complete name and shipping address has been entered, checking that the proper state abbreviation and zip code have been entered, checking that an appropriate bid amount has been entered, and checking that a telephone or facsimile number has been entered (see column 7 lines 57-63). These functions are performed after receiving a bid (see column 7, line 52), and do not disclose facilitating a resolution of a complaint, as claimed.

Accordingly, the Applicants respectfully submit Fisher in view of Campbell does not render claim 1 obvious. Independent claims 10 and 19 include features similar to those discussed above for claim 1. Therefore, Applicants respectfully request the rejection to claims 1, 10, and 19 be withdrawn, as well as the rejection to the claims that are dependent, directly or indirectly, on these claims.

CONCLUSION

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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